

FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 117-511
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/500,953
INTERNATIONAL APPLICATION NO. PCT/GB03/05328	INTERNATIONAL FILING DATE 08 December 2003	PRIORITY DATE CLAIMED 12 December 2002
TITLE OF INVENTION METHOD OF AND SYSTEM FOR HEURISTICALLY DETECTING VIRUSES IN EXECUTABLE CODE		
APPLICANT(S) FOR DO/EO/US SHIPP, A.		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. <input type="checkbox"/> The U.S. has been elected by the expiration of 19 months from the priority date (Article 31). A copy of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (pages specification, claims & abstract (claims), sheets drawings). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> An English language translation <ol style="list-style-type: none"> <input type="checkbox"/> of the International Application as filed (35 U.S.C. 371(c)(2)) is attached hereto (pages specification, claims & abstract (claims), sheets drawings, page Certificate of Translation). <input type="checkbox"/> of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <ol style="list-style-type: none"> <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached). See item 6.b. above. Items 11 To 20 below concern document(s) or information included: <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. <input type="checkbox"/> A substitute specification. <input type="checkbox"/> A change of power of attorney and/or address letter. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). <input type="checkbox"/> Other items or information. 		

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/500,953		INTERNATIONAL APPLICATION NO. PCT/GB03/05328		ATTORNEY'S DOCKET NUMBER 117-511	
21. <input checked="" type="checkbox"/> The following fees are submitted:					CALCULATIONS PTO USE ONLY
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5): -- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1080.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO\$920.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO.....\$770.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)\$730.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)\$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).					\$ 0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	0	minus 20 =	0	X	\$18.00
Independent Claims	0	minus 3 =	0	X	\$86.00
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)					\$290.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months)					\$ 0.00
TOTAL OF ABOVE CALCULATIONS =					\$ 0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					0.00
SUBTOTAL =					\$ 0.00
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).					0.00
TOTAL NATIONAL FEE =					\$ 0.00
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property					\$ 40.00
Fee for Petition to Revive Unintentionally Abandoned Application (\$1330.00 - Small Entity = \$665.00)					\$ 0.00
TOTAL FEES ENCLOSED =					\$ 40.00
					Amount to be:
					refunded \$
					Charged \$
a. <input checked="" type="checkbox"/> A check in the amount of \$40.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>14-1140</u> . A duplicate copy of this form is enclosed. d. <input checked="" type="checkbox"/> The entire content of International Application No. PCT/GB03/05328 and any U.S. and foreign application(s) corresponding thereto, and _____, referred to in this application is/are hereby incorporated by reference in this application. NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status. CORRESPONDENCE ADDRESS Direct all correspondence to: <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 40%;"> <input checked="" type="checkbox"/> Customer Number: <div style="border: 1px solid black; padding: 5px; display: inline-block; margin-left: 10px;">23117</div> <div style="margin-left: 10px;">Type Customer Number here</div> </div> <div style="width: 40%; text-align: center;"> Place Customer Number Bar Label Here → <div style="border: 1px solid black; width: 150px; height: 50px; margin: 10px auto;"></div> </div> </div>					
<div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 40%;"> Telephone: (703) 816-4000 ARC:eaw </div> <div style="width: 50%; text-align: right;"> <div style="margin-bottom: 10px;"> Arthur R. Crawford NAME </div> <div style="display: flex; justify-content: space-between;"> <div> 25,327 REGISTRATION NUMBER </div> <div> September 2, 2004 Date </div> </div> </div> </div>					

USA

Rec'd PCT/PTO 23 SEP 2004

N.86966B

Attorney's Docket No. 117-511

**RULE 63 (37 C.F.R. § 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As below named inventor(s), I/we hereby declare that

This declaration is of the following type:

<input type="checkbox"/> original	<input type="checkbox"/> design	<input type="checkbox"/> supplemental
<input checked="" type="checkbox"/> national stage of PCT		
<input type="checkbox"/> divisional	<input type="checkbox"/> continuation	<input type="checkbox"/> continuation-in-part

My/our residence, post office address and citizenship are as stated below next to my/our name.

I/we believe I/we am/are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD OF, AND SYSTEM FOR, HEURISTICALLY DETECTING VIRUSES IN EXECUTABLE CODE

the specification of which (check one)

☐ is attached hereto

☐ was filed on _____

in the United States Patent and Trademark Office as Application Serial No. _____

and was amended on _____ (if applicable)

☒ was described and claimed in PCT International Application No. PCT/GB03/05328

filed on 8 Dec 2003

and as amended under PCT Article 19 on _____ (if any)

I/we hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I/we acknowledge the duty to disclose information which is material to patent ability as defined in 37 C.F.R. § 1.56.

I/we hereby claim foreign priority benefits under 35 U.S.C § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or under § 365(a) of any PCT International Application(s) which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International Application having a filing date before that of the application on which priority is claimed:

COMBINED DECLARATION AND POWER OF ATTORNEY**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119**

Application No.	Country	Filing Date	Priority Claimed	
			Yes	No
0229032.8	GB	12 Dec 2002	X	
PCT/GB03/05328		8 Dec 2003		

I/we hereby claim the benefit under 35 U.S.C. § 119(e) of any United States Provisional Application(s) listed below:

UNITED STATES PROVISIONAL APPLICATION(S)

Application No.	Filing Date

I/we hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s) or § 365(c) of any PCT International Application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I/we acknowledge the duty to disclose information which is material to patent ability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national PCT international filing date of this application.

PRIOR UNITED STATES/PCT INTERNATIONAL APPLICATION(S)

Application No.	Filing Date	Status (patented, pending/abandoned)
PCT/GB03/05328	8 Dec 2003	

I/we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith:

Nixon and Vanderhye PC, 8th Floor 1100 North Glebe Road Arlington VA 22201-4714 United States of America

CUSTOMER NUMBER 23117

I/we hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C § 1001 and that such willful false statements may jeopardise the validity of the application or any patent issued thereon.

100 Alex SHIPP
X _____
Inventors Signature

X 3/8/2004

Date

Full name of first/sole inventor

Alexander SHIPP

Citizenship

United Kingdom

Residence(City)

Gloucester the United Kingdom

Post Office Address

Star Internet Brighthouse Court Barmwood
Gloucester GL4 3RT United Kingdom